

Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

**JEAN PIERRE REY, an individual, and ILZE
SILARASA, an individual,**

Plaintiff,

v.

**MICHEL REY and RENEE REY, husband and
wife; US INVESTMENT GROUP
CORPORATION, a Washington corporation; US
GROWING INVESTMENTS INC., a
Washington corporation; VISITRADE INC., a
Washington corporation; BUILDERS SURPLUS
NORTHWEST INC., a Washington corporation;
and NEVAWA, INC., a Nevada corporation,**

Defendants.

NO.: 3:14-cv-05093 BHS

**SECOND ORDER
IMPLEMENTING JUNE 13, 2019
ORDER GRANTING
PLAINTIFFS' MOTION
REGARDING SALE OF REAL
PROPERTIES, ETC.**

Clerk's Action Required

THIS MATTER having come on for determination upon the Second Motion To Implement Order Implementing June 13, 2019 Order Granting Plaintiff's Motion Regarding Sale of Real Properties submitted by Plaintiffs Jean Pierre Rey and Ilze Rey and Defendant Visitrade, Inc., *Dkt.*

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1 *no. 178*, the sum of One Million Six Hundred Eighty Eight Thousand Five Hundred Seventy
2 Dollars and Thirty Eight Cents (\$1,688,570.38) into the Registry of the United States District Court
3 for the Western District of Washington at Tacoma on the 9th day of August, 2019 from the sale of
4 the Firehouse Property, together with a subsequent deposit into said registry in the amount of
5 Thirteen Thousand Three Hundred Ninety Eight Dollars (\$13,398.00) on the 10th day of
6 September, 2019 (“the Firehouse proceeds”), and the Court having reviewed the records and files
7 herein and finding good cause therefore, NOW, THEREFORE:

8 **ORDER**

9 IT IS HEREBY ORDERED that the Clerk is authorized and directed to draw one check on
10 the Firehouse proceeds deposited in the registry of this Court in the principal amount of One
11 Hundred Eighty Thousand Dollars (\$180,000.00) minus any statutory users fees, made payable to
12 Ortoli Rosenstadt, LLP (“Ortoli”), 366 Madison Avenue, 3rd Floor, New York, NY 10017, to be
13 deposited into the Ortoli Rosenstadt, LLP escrow account, and;

14 IT IS FURTHER ORDERED that from said funds, Ortoli shall pay to itself from its escrow
15 account the sum of Sixty Six Thousand Seven Hundred Seventy Three Dollars and Sixty Five
16 Cents (\$66,773.65) in full satisfaction of its claim for reimbursement of funds it advanced with
17 respect to the maintenance and repair of the 5920 Lausanne Drive, Reno, Nevada property (“the
18 Residential Property”) without further consent from the other parties hereto;

19 IT IS FURTHER ORDERED that from the remainder of said funds in its escrow account,
20 with and only with the prior written consent of undersigned counsel of Plaintiffs Jean Pierre and
21 Ilze Ray that will not be unreasonably withheld or by further order of the Court, Ortoli shall pay
22 third parties for the maintenance of and repairs to the Residential Property, including but not
23 limited to:

24 **SECOND ORDER**
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- Washoe County, Nevada, for real property taxes;
- BIG Construction, Inc. to complete the reconstruction of a bathroom;
- Airhart, Ltd. to replace one furnace;
- H & H Landscape, LLC for completed repairs for water damage;
- Other future repairs and maintenance reasonably necessary to effectuate the sale of the Residential Property, including but not limited to the repair of the roof; and
- Staging the Residential Property for sale.

All remaining funds shall remain in the District Court's registry until a subsequent order is entered by the District Court on notice to counsel for all remaining parties to the lawsuit in Washington; and

IT IS FURTHER ORDERED THAT US Investment Group Corporation, US Growing Investments, Inc., Builders Surplus Northwest, Inc., and Nevawa, Inc. shall be and hereby are dismissed without prejudice; and

IT IS FURTHER ORDERED THAT Ortolí Rosenstadt, LLP shall be added as an intervenor third party Plaintiff, and Jean Pierre and Ilze Rey shall be added as intervenor third party Defendants, to reflect the fees dispute between them that will be arbitrated pursuant to the June 13, 2109 Order; and

IT IS FURTHER ORDERED THAT the remainder of said June 13, 2019 Order as well as the Order Implementing June 13, 2019 Order Granting Plaintiffs' Motion Regarding Sale of Real Properties, Etc. entered in this Court on the 20th day of August, 2019, *Dkt. No. 179*, shall remain in full force and effect, with the exception of ¶¶2.iv of the former, which shall now read as follows:

iv. All documents that are required to be signed by Visitrade with respect to the sale of the Residential Property, with the exception of ¶¶2.(v) and 2.(vi), shall be signed by Michael

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1 Hunsinger on behalf of Visitrade, only after receiving the consent of either Richard Ortoli, Marc
2 Gottlieb, or MDK on behalf of Ortoli Rosenstadt, LLP, which shall not be unreasonably withheld.

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4 IT IS SO ORDERED this 17th day of December, 2019.

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7 BENJAMIN H. SETTLE
8 United States District Judge
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24 **SECOND ORDER**
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